



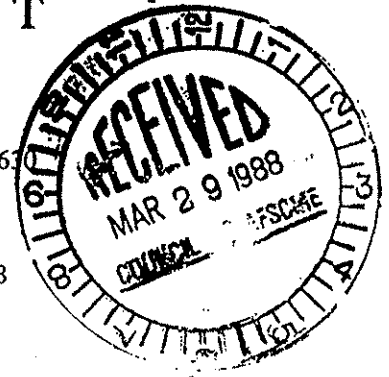
STATE OF CONNECTICUT

DEPARTMENT OF ADMINISTRATIVE SERVICES

PERSONNEL DIVISION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06106-1637

March 24, 1988



OFFICE OF LABOR RELATIONS

General Notice No. 88-6

TO: Labor Relations Designees

SUBJECT: Military Leave Policy

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Due to a number of questions that have arisen, the Statewide policy on military leave described in General Notice No. 83-2, dated June 7, 1983, has been modified to remove the prior "consecutive day" requirement, clarified as to the types of qualifying activities and their documentation, and reissued. This policy has been reviewed by the Connecticut Committee, Employer Support of the Guard and Reserve, and it is recommended that its contents be shared with the employees of your agency who are Guard or reserve members.

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While an employee who is a member of the National Guard or the military reserves may be required to comply with all military orders received, not all military activities will qualify the employee for paid military leave. There are two general categories of military duty which are recognized as eligible for paid military leave: required field training and unscheduled emergency call-ups.

Required Field Training: Employees are entitled to military leave with pay for up to three calendar weeks (or 15 work days) for required field training. "Required field training" has been interpreted to include periods of Annual Training and other Active Duty Training which are required for retention in the National Guard (or military reserves).

Annual Training generally involves a total of two weeks (10 work days) and the employee must supply proper written advance notice; a copy of the official military orders should be provided as soon as available. There may be instances where the employee's annual training duty requirement is longer than ten work days due to his/her involvement in the advance party or rear detachment or due to the location of the training (e.g. outside the continental United States) or the nature of the mission. In such

cases, the orders should be accompanied by a statement from the unit commander that the duty is consistent with the annual training period for that specific military unit and is not the result of the employee volunteering for additional annual training tours.


For other periods of Active Duty Training to qualify for paid military leave, the orders must be accompanied by a statement from the unit commander that the training will serve in lieu of annual training for purposes of fulfilling the employee's yearly military training requirements or that the employee's participation in the training is required in this calendar year for the employee to remain a member of the Guard or reserve unit. It will not be sufficient that the training is required for promotion (e.g. NCO School) or that the training, once orders are issued, is mandatory on the employee; the specific training duty itself must be a requirement for the employee's retention in the unit.

Unscheduled Emergency Call-Up: Employees would also be eligible for military leave with pay for up to thirty (30) calendar days in a year for unscheduled emergency military call-ups. An example of such emergency call-up would be when units or individuals are called to active duty military service to respond to natural disasters. Due to the unscheduled nature of the call-ups, it may not be possible to provide official written orders in advance of the leave; in such cases, however, the employee should identify the appropriate military official who can verify the call-up and provide the official written orders as soon as possible.

Other Military Activities: Other periods of military duty, whether active duty training or inactive duty training (e.g. weekend drills), would not entitle the employee to paid military leave. Federal Statutes, however, require that the employee be released from work to attend ordered military duty without loss of benefits; the employee can document the military duty by the submission of the official orders or the official training schedule (for weekend drills). The employee's absence from work should be recorded as leave without pay, position held, unless the employee requests to charge the time to accrued vacation and/or personal leave.

If the agency has reason to question whether an employee granted paid military leave or unpaid leave actually participated in the military duty, the employee can be requested to provide a copy of his/her Leave and Earning Statement for the period in question to verify his attendance at the military duty.

The bargaining unit agreement covering the particular employee should also be consulted since, if there are any differences between this policy and the contract, the contract language is controlling. Questions concerning this policy should be directed to the Office of Labor Relations. Questions about the policies for non-bargaining unit employees may be directed to the Administrative Services unit.


Sandra Biloon
Director of Personnel
and Labor Relations

USERRA (Uniformed Services Employment & Reemployment Act of 1994)

Excerpt

§ 4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service

(a) A person who is reemployed under this chapter is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of service in the uniformed services plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

(b)(1) Subject to paragraphs (2) through (6), a person who is absent from a position of employment by reason of service in the uniformed services shall be--

(A) deemed to be on furlough or leave of absence while performing such service; and

(B) entitled to such other rights and benefits not determined by seniority as are generally provided by the employer of the person to employees having similar seniority, status, and pay who are on furlough or leave of absence under a contract, agreement, policy, practice, or plan in effect at the commencement of such service or established while such person performs such service.

USERRA (Non-technical Guide – Downloaded from DAS web Site)

Excerpt

Rights not based on seniority Section 4316(b) .

Departing service members must be treated as if they are on a leave of absence. Consequently, while they are away they must be entitled to participate in any rights and benefits not based on seniority that are available to employees on nonmilitary leaves of absence, whether paid or unpaid. If there is a variation among different types of nonmilitary leaves of absence, the service member is entitled to the most favorable treatment so long as the nonmilitary leave is comparable. For example, a three-day bereavement leave is not comparable to a two-year period of active duty.

The returning employees shall be entitled not only to nonseniority rights and benefits available at the time they left for military service, but also those that became effective during their service.